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7           UNITED STATES DISTRICT COURT  
8           WESTERN DISTRICT OF WASHINGTON  
9           AT SEATTLE

10 GENEVA HOLMES-JAMES,

Case No. C11-1188-TSZ-JPD

11           Plaintiff,

12           v.

13 JUDGE COUGHENOUR, et al.,

REPORT AND RECOMMENDATION

14           Defendants.

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17           I. INTRODUCTION AND SUMMARY CONCLUSION

18       Plaintiff, proceeding *pro se*, has filed a proposed complaint and an application to  
19 proceed *in forma pauperis* (“IFP”) in the above-entitled civil action against the defendants.  
20 Dkt. 1, Att. 1. After careful consideration of plaintiff’s proposed complaint, plaintiff’s IFP  
21 application, the governing law, and the balance of the record, the Court recommends that  
22 plaintiff’s proposed complaint, Dkt. 1, Att. 1, be DISMISSED without prejudice for failure to  
23 state a claim upon which relief may be granted, and her IFP application, Dkt. 1, be DENIED as  
24 moot. *See* 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1).

## II. DISCUSSION

2 A plaintiff must “plead a short and plain statement of the claim showing that the  
3 pleader is entitled to relief.” Fed. R. Civ. P. (“FRCP”) 8(a)(2). This statement must be  
4 sufficient to “give the defendant fair notice of what the plaintiff’s claim is and the grounds  
5 upon which it rests.” *Conley v. Gibson*, 355 U.S. 41, 47 (1957). The factual allegations of a  
6 complaint must be “enough to raise a right to relief above the speculative level.” *Bell Atlantic*  
7 *Corp. v. Twombly*, 550 U.S. 544, 555 (2007). A complaint may be dismissed as a matter of  
8 law if it lacks a cognizable legal theory or states insufficient facts under a cognizable legal  
9 theory. *Robertson v. Dean Witter Reynolds, Inc.*, 749 F.2d 530, 534 (9th Cir. 1984). Pursuant  
10 to 28 U.S.C. § 1915(e), the district court must dismiss the case “at any time” it determines the  
11 complaint is frivolous or fails to state a claim on which relief may be granted. 28 U.S.C. §  
12 1915(e)(2). Section 1915(e) applies to all IFP proceedings, not just those filed by prisoners.  
13 *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000).

14 Here, plaintiff's proposed complaint lacks any cognizable legal theory, and therefore  
15 appears frivolous and fails to state a claim upon which relief may be granted. Dkt. 1, Att. 1.  
16 Indeed, the proposed complaint is simply incomprehensible. *See Id.* Despite vague references  
17 to a government lien, plaintiff's proposed complaint fails to allege sufficient facts to place the  
18 defendants on notice of the nature of plaintiff's claims or otherwise provide any basis for  
19 jurisdiction in this Court. *See* FRCP 8(a). Plaintiff has also named at least one defendant, the  
20 Honorable John C. Coughenour, who is immune from suit. *See Mireles v. Waco*, 502 U.S. 9, 9  
21 (1991) ("The judicial or quasi-judicial immunity available to federal officers is not limited to  
22 immunity from damages, but extends to actions for declaratory, injunctive, and other equitable  
23 relief."); *see also Pierson v. Ray*, 386 U.S. 547, 553-54 (1967) ("Few doctrines were more  
24 solidly established at common law than the immunity of judges from liability for damages for  
25 acts committed within their judicial jurisdiction."). Accordingly, plaintiff has failed to state a  
26 claim against the defendants, and her proposed complaint must be dismissed as frivolous.

1 The Court advises plaintiff of her responsibility to research the facts and law before  
2 filing a complaint in order to determine whether her claim for relief is frivolous. If plaintiff  
3 files a frivolous action, she may be sanctioned. *See* FRCP 11. If plaintiff files numerous  
4 frivolous or malicious complaints, the Court may bar her from proceeding in this court. *See*  
5 *DeLong v. Hennessey*, 912 F.2d 1144, 1146 (9th Cir. 1990) (discussing bar order  
6 requirements).

### III. CONCLUSION

8 For all of the foregoing reasons, the Court recommends that plaintiff's proposed  
9 complaint, Dkt. 1, Att. 1, be DISMISSED without prejudice, and that her IFP application, Dkt.  
10 1, be DENIED as moot. *See* 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1). A proposed order  
11 accompanies this Report and Recommendation.

DATED this 26th day of July, 2011.

*James P. Donohue*  
JAMES P. DONOHUE  
United States Magistrate Judge